

**CITY OF LONG BEACH
CITY COUNCIL AGENDA**

**TUESDAY, MAY 12, 2009
COUNCIL CHAMBER, 4:30 PM**

Robert Garcia, 1st District
Suja Lowenthal, 2nd District
Gary DeLong, 3rd District
Patrick O'Donnell, 4th District



Bob Foster, Mayor

Gerrie Schipske, 5th District
Dee Andrews, 6th District
Tonia Reyes Uranga, 7th District
Rae Gabelich, 8th District
Val Lerch, Vice Mayor, 9th District

Patrick H. West, City Manager
Larry G. Herrera, City Clerk

Robert E. Shannon, City Attorney

REVISED

SPECIAL MEETING

Ordinance No. C-7594 provides that hearings shall be set for 5:00 P.M. each Tuesday, and such hearings shall be held at the specified time for which they are set or as soon as practical regardless of the otherwise order of business of the City Council.

HEARING:

1. 09-0487 Recommendation to respectfully request City Council: (1) receive supporting documentation into the record and conduct a hearing on four appeals in accordance with Long Beach Municipal Code Section 21.21.507; and (2) uphold the Board of Harbor Commissioners' certification of the Final Environmental Impact Report for the Middle Harbor Redevelopment Project ("FEIR") by adopting resolution (Attachment 1). (District 2)

Office or Department: HARBOR

Suggested Action: Approve recommendation.

PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE CITY CLERK

Opportunity to address the City Council (on non-agenda items) is given to the first 10 persons who submit Speaker Cards to the City Clerk beginning at 15 minutes prior to 4:30 p.m. Each speaker is allowed three minutes to make their comments.

NOTICE TO THE PUBLIC

All matters listed under the Consent Calendar are to be considered routine by the City Council and will all be enacted by one motion. There will be no separate discussion of said items unless the Mayor, City Councilmembers or the City Manager request specific items be discussed and/or removed from the Consent Calendar for separate action.

CONSENT CALENDAR: (2 - 9)

2. 09-0481 Recommendation to authorize agreement between the City of Long Beach and the law firm of Brownstein Hyatt Farber Schreck, LLP to assist the City Attorney in regard to a Zero Emissions Container Mover System (ZECMS). (Districts 1,2)
- Office or Department:** CITY ATTORNEY
- Suggested Action:** Approve recommendation.
3. 09-0482 Recommendation to authorize City Attorney to pay the sum of \$47,500 in full settlement of lawsuit entitled Jarron Bonner v. City of Long Beach et al., Case No. BC391769; \$75,000 in full settlement of lawsuit entitled Jerome Clemmons v. City of Long Beach et al., Case No. CV05-5525; \$6,500 in full settlement of lawsuit entitled Carmen Garcia v. City of Long Beach, Case No. NC051257; and \$7,508 in full settlement of claim by James A. Marshall, Claim No. C08-0818.
- Office or Department:** CITY ATTORNEY
- Suggested Action:** Approve recommendation.
4. 09-0483 Recommendation to refer to City Attorney damage claims received between April 27, 2009 and May 4, 2009.
- Office or Department:** CITY CLERK
- Suggested Action:** Approve recommendation.
5. 09-0475 Recommendation to authorize City Manager to enter into a contract with Landscape Structures, Inc., for the purchase of playground equipment to replace the existing equipment at Mother's Beach playground, in the amount not to exceed \$105,378. (District 3)
- Office or Department:** PARKS, RECREATION AND MARINE
- Suggested Action:** Approve recommendation.

6. 09-0472 Recommendation to receive and file the application of Garfield Beach CVS LLC, dba Longs Drug Store 3931, for a person-to-person transfer of an Alcoholic Beverage Control License, at 650 North Bellflower Boulevard, with existing conditions. (District 3)
Office or Department: POLICE

Suggested Action: Approve recommendation.
7. 09-0473 Recommendation to authorize City Manager to execute a license agreement with the Carpenter Performing Arts Center, located on the Campus of California State University Long Beach, for a period of one day, with an option to renew the license agreement for a period of one day, each year, over the next five years at the discretion of the City Manager. (District 3)
Office or Department: POLICE

Suggested Action: Approve recommendation.
8. 09-0474 Recommendation to request City Manager to accept an easement deed for the dedication of new street right-of-way related to the development of Douglas Park. (District 5)
Office or Department: PUBLIC WORKS

Suggested Action: Approve recommendation.
9. 09-0485 Recommendation to receive and file minutes for:
Civil Service Commission - April 22, 2009.
Office or Department: VARIOUS

Suggested Action: Approve recommendation.

REVISED

REGULAR AGENDA

DEPARTMENTAL COMMUNICATIONS:

10. 09-0480 Recommendation to approve the City Attorney's release of documents previously withheld relating to the proposed exchange of property between LCW, LLC and the City of Long Beach.
- Office or Department:** COUNCILWOMAN GERRIE SCHIPSKE, FIFTH DISTRICT
- Suggested Action:** Approve recommendation.
11. 09-0491 Recommendation to request City Attorney to provide guidance concerning the appropriate policies and procedures for retention of electronic documents, including but not limited to e-mails, by elected and appointed officials (i.e. Harbor, Water, Planning, Parks, Recreation and Marine, and Civil Service Commissioners) and City employees, in order to comply with the Brown Act, the California Public Records Act and State and Federal rules of evidence.
- Office or Department:** COUNCILWOMAN GERRIE SCHIPSKE, FIFTH DISTRICT
- Suggested Action:** Approve recommendation.
12. 09-0492 WITHDRAWN
~~Recommendation to request City Attorney to draft a resolution in support of SB 350 (Florez), AB 241 (Nava), AB 242 (Nava) and/or AB 243 (Nava); and direct City Manager to communicate the City's support to Long Beach legislative offices.~~
- Office or Department:** COUNCILMEMBER TONIA REYES URANGA, SEVENTH DISTRICT; COUNCILMEMBER PATRICK O'DONNELL, FOURTH DISTRICT
- Suggested Action:** Approve recommendation.

13. 09-0493 Recommendation to refer to the Parks and Recreation Commission and the Housing and Neighborhoods Committee in accordance with Administrative Regulations for consideration of naming parks and open space sites.
- Office or Department:** COUNCILMEMBER TONIA REYES URANGA, SEVENTH DISTRICT; COUNCILMAN DEE ANDREWS, SIXTH DISTRICT
- Suggested Action:** Approve recommendation.
14. 09-0494 Recommendation to request City Manager to forward communication expressing City Council's support of Propositions 1A - 1F.
- Office or Department:** COUNCILMEMBER PATRICK O'DONNELL, FOURTH DISTRICT; COUNCILMEMBER SUJA LOWENTHAL, SECOND DISTRICT; COUNCILMEMBER TONIA REYES URANGA, SEVENTH DISTRICT
- Suggested Action:** Approve recommendation.
15. 09-0490 Recommendation to authorize City Manager to execute a contract with DS & Associates, LLC to perform a Reverse Sales Tax Audit for one one-year term with the option by the City to extend for two more years, with compensation to be 20% of the total recoveries collected by the City as a result of this audit, not to exceed \$350,000.
- Office or Department:** CITY AUDITOR
- Suggested Action:** Approve recommendation.

16. 09-0476 Recommendation to adopt resolution authorizing City Manager to enter into a financial assistance agreement with the State Water Resources Control Board (SWRCB); and
- Authorize City Manager to execute any and all documents necessary for a new funding agreement and any amendments thereto with the SWRCB to restart the Colorado Lagoon Clean Beaches Initiative Grant Project with funding support from the American Recovery and Reinvestment Act of 2009. (District 3)
- Office or Department:** COMMUNITY DEVELOPMENT; PARKS, RECREATION AND MARINE
- Suggested Action:** Approve recommendation.
17. 09-0394 Recommendation to increase the contingency percentage for Contract No. 30696 with Brian Mendoza, dba Freeway Electric, for the installation of streetlights at California State University at Long Beach on Bellflower Boulevard and Palo Verde Avenue, from 15 percent to 25 percent due to extra work required relating to SCE meter locations. (District 3)
- Office or Department:** PUBLIC WORKS
- Suggested Action:** Approve recommendation.
18. 09-0477 Recommendation to adopt resolution authorizing City Manager to enter into a financial assistance agreement with the State Water Resources Control Board (SWRCB); and
- Authorize City Manager to execute any and all documents necessary for a new funding agreement and any amendments thereto with the SWRCB to restart the Vortex Separation System (VSS) project at pump station 11 with funding support from the American Recovery and Reinvestment Act of 2009. (District 9)
- Office or Department:** PUBLIC WORKS
- Suggested Action:** Approve recommendation.

19. 09-0478 Recommendation to adopt resolution authorizing City Manager to enter into a financial assistance agreement with the State Water Resources Control Board (SWRCB); and
- Authorize City Manager to execute any and all documents necessary for a new funding agreement and any amendments thereto with the SWRCB to restart the trash nets project at pump station 12 with funding support from the American Recovery and Reinvestment Act of 2009.
(District 9)
- Office or Department:** PUBLIC WORKS
- Suggested Action:** Approve recommendation.
20. 09-0479 Recommendation to adopt resolution authorizing City Manager to enter into a financial assistance agreement with the State Water Resources Control Board (SWRCB); and
- Authorize City Manager to execute any and all documents necessary for a new funding agreement and any amendments thereto with the SWRCB to restart the trash nets project at pump station 13 with funding support from the American Recovery and Reinvestment Act of 2009.
(District 9)
- Office or Department:** PUBLIC WORKS
- Suggested Action:** Approve recommendation.

NEW BUSINESS:

New Business items are additions to the City Council Agenda subsequent to the posting of the agenda on Monday afternoon.

21.

22.

23.

PUBLIC: IMMEDIATELY PRIOR TO ADJOURNMENT

Opportunity is given to those members of the public who have not addressed the City Council on non-agenda items. Each speaker is limited to three minutes unless extended by the City Council.

STANDING COMMITTEE REMINDERS:

Tuesday, May 5, 2009 – Economic Development and Finance Committee (Attorney/Client) at 2:30 P.M., 14th floor conference room.

Tuesday, May 5, 2009 – Elections Oversight Committee at 2:30 P.M., Council Chamber.

Tuesday, May 19, 2009 – Housing Authority at 4:30 P.M., Council Chamber.

HEARING REMINDERS:

Tuesday, May 19, 2009 – Hearing for 2706 South Street, LLC, dba Ajas, for appeal of revocation of Business License Nos. BU20408690, BU20408700 and BU20406050 at 2706 South Street. (District 9)

Tuesday, May 19, 2009 – Hearing for adoption of the 2008-2014 Housing Element. (Citywide)

NOTE:

An agenda may be obtained from the City Clerk Department prior to the meeting or can be mailed if the City Clerk is provided self-addressed, stamped envelopes mailed to: City Clerk Dept., City Hall Plaza Level, 333 W. Ocean Blvd., Long Beach, CA 90802.

The City Council agenda and supporting documents are available on the Internet at www.longbeach.gov. Persons interested in obtaining an agenda via e-mail should subscribe to the City of Long Beach E-Notify System at <http://www.longbeach.gov/enotify/default.asp>.

Agenda items may also be reviewed in the City Clerk Department or online at the Main Library and at the Branch Libraries.

If language interpretation for non-English speaking persons is desired or if a special accommodation is desired pursuant to the Americans with Disabilities Act, please make your request by phone to the City Clerk Department at (562) 570-6101, by 12 noon Monday, the day prior to the Council meeting.

E-Mail correspondence regarding agenda items can be directed to cityclerk@longbeach.gov.

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